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 MEDIMMUNE, LLC

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

MEDIMMUNE, LLC,  
  
 Plaintiff,  
 v.  
 PDL BIOPHARMA, INC.,  
  
 Defendant.

Case No. C 08-5590 JF

**STIPULATED REQUESTED AND  
 PROPOSED ORDER TO SHORTEN TIME  
 FOR BRIEFING AND HEARING ON PDL'S  
 MOTION FOR PROTECTIVE ORDER**

Requested Hearing Date: December 22, 2009  
 Time: 10:00 a.m.

STIPULATED REQUEST AND  
~~PROPOSED~~ ORDER TO SHORTEN  
 TIME RE: PDL'S MOTION FOR P.O.

Case No. C 08-5590 JF



1 IT IS HEREBY STIPULATED AND AGREED by and between plaintiff  
 2 MedImmune, LLC ("MedImmune") and defendant PDL BioPharma, Inc. ("PDL") (each, a  
 3 "Party" and collectively, the "Parties") to the above-captioned litigation as follows:

4 1. Whereas PDL filed on November 20, 2009 a Motion for Protective Order  
 5 ("PDL's Motion"). PDL's Motion seeks a protective order from the Court forbidding and  
 6 limiting certain topics noticed in MedImmune's First Notice of Deposition of PDL Pursuant to  
 7 Fed. R. Civ. P. 30(b)(6) ("MedImmune's 30(b)(6) Notice").

8 2. Whereas MedImmune served its 30(b)(6) Notice on November 6, 2009,  
 9 containing 24 topics and seeking deposition of PDL on December 10, 2009, and PDL served its  
 10 responses and objections thereto on November 13, 2009.

11 3. Whereas the Parties have met and conferred in good faith but cannot  
 12 resolve their dispute.

13 4. Whereas immediate resolution of the dispute will determine what topics  
 14 MedImmune may pursue and the scope of the Parties' preparation therefor.

15 5. Whereas the close of fact discovery in this case is January 13, 2009; as a  
 16 result, hearing under the Court's normal 35-day schedule would leave the Parties only around two  
 17 weeks to prepare for and conduct the deposition pursuant to the Court's decision.

18 6. Whereas the below requested time modification would set hearing one  
 19 week earlier than under the normal 35-day schedule, but still provides the Court with two weeks  
 20 between the receipt of all briefing and hearing. The instant request affects the date for PDL's  
 21 Motion only and has no effect on the rest of the schedule otherwise in place in this case.

22 7. The Parties agree, subject to the Court's approval, to modify the briefing  
 23 and hearing schedule for PDL's Motion as set forth below:

24 MedImmune's opposition to the motion, if any, be filed by **December 3, 2009**, and  
 25 limited to 15 pages.

26 PDL's reply brief, if any, be filed by **December 8, 2009**, and limited to 5 pages.

27 A hearing on this matter will be held on **December 22, 2009**.  
 28



8. There have been three previous schedule modifications in this case. On January 9, 2009, the parties agreed to extend PDL's time to respond to MedImmune's First Amended Complaint. On July 2, 2009, the parties stipulated to a rescheduling of the *Markman* hearing; that stipulation was approved by the Court on July 7, 2009. In August 18, 2009, the parties stipulated to an extension of the trial date and case calendar.

DATED: November 24, 2009

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

/s/ Vernon M. Winters  
Vernon M. Winters  
Attorneys for Defendant, PDL BioPharma, Inc.

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/s/ Jessamyn S. Berniker  
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#### ATTESTATION OF FILER CONCERNING SIGNATURE

In accordance with general Order No. 45, Section X, the filer of this document hereby attests that concurrence in the filing of this document has been obtained from each of the signatories listed above.

DATED: November 24, 2009

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

/s/  
Vernon M. Winters  
Attorneys for Defendant, PDL BioPharma, Inc.



~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 30, 2009

  
\_\_\_\_\_  
HON. HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

STIPULATED REQUEST AND  
~~PROPOSED~~ ORDER TO SHORTEN  
TIME RE: PDL'S MOTION FOR P.O.